

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

In re Application of:
Eric P. Berg

Serial No.: 09/672,162

Filed: September 27, 2000

For: **PAGING FOR REMOTE
DISCONNECT SYSTEMS**



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Atty Docket No.: NIGA,002

Examiner: Unknown

Group Art Unit: Unknown

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.


Mark R. Wisner, Registration No. 30,603 August 20, 2004
Date of Signature

PETITION TO WITHDRAW ABANDONMENT (37 C.F.R. 1.181)

Dear Sir:

Applicant hereby respectfully requests withdrawal of abandonment of the captioned application. A Notice of Abandonment was mailed in the application on August 20, 2002 indicating that the application was abandoned for failure to reply to a Notice to File Missing Parts mailed November 13, 2000. However, a response to that Notice of Missing Parts was filed, and Applicant is, therefore, filing this Petition under Rule 1.181 to submit proof of the filing of the response and to request withdrawal of abandonment. Please consider the following evidence in support of this Petition under Rule 1.181.

The undersigned Attorney assumed responsibility for the captioned application in May of this year when the Applicant executed a Power of Attorney in favor of the undersigned Attorney. The executed Power of Attorney and a Notice of Change of Correspondence Address were couriered to Washington for hand filing by an Associate Attorney (see the Associate Power of Attorney filed simultaneously with the executed Power and Notice of Change) in June so that the Associate Attorney could ascertain the status of the captioned application and obtain a copy of the file history. The Office apparently took until July 27 to enter the Power (see the Notice Regarding Change of Power of Attorney mailed August 2, 2004 indicating that it was responsive to the Power of Attorney filed July 27, 2004) and it was still another three weeks before the

Associate Attorney was able to obtain a copy of the file history from the Office. That copy arrived in the offices of the undersigned Attorney on August 18, 2004.

In the meantime, the Attorney who filed the captioned application, Mr. Glenn L. Webb (Conifer, CO), had forwarded a copy of his file for the application to the undersigned Attorney. The copy of the file obtained from Mr. Webb did not include a copy of the Notice of Abandonment. When it was discovered upon receipt of the file history from the Office on August 18, 2004 that the application was abandoned for failure to respond to the Notice of Missing Parts and that the copy of the file obtained from Mr. Webb included a copy of a response to that Notice, it was apparent that the application was deemed abandoned in error such that this Petition under Rule 1.181 is appropriate.

A copy of the response to the Notice of Missing Parts as filed (with a properly executed certificate of mailing) on March 6, 2001 is attached as Exhibit A. The response was accompanied by the signed, original Declaration of the Applicant, a Petition for Extension to Time for two months, and a Fee Transmittal (Form PTO/SB/17) enclosing and referring to a PTO Form 2038 authorizing a charge to a deposit account in the amount of the two month extension of time and the surcharge for late filing of the declaration. Copies of all of these documents (except for the Form PTO-2038) are included in the attached Exhibit A. Further, a postcard was sent along with that response for date-stamping and return, and a copy of that postcard with the date-stamp of the Office is included in Exhibit A.

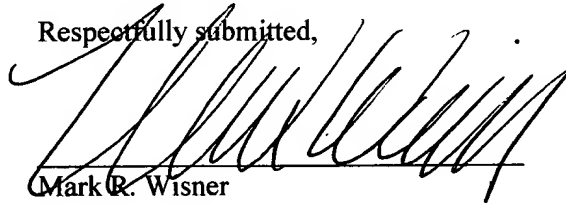
It is therefore respectfully requested that the attached response to Notice of Missing Parts, which does not appear to have been entered by the Office when mailed in March 2001, be considered timely filed at this time and that the holding of abandonment be withdrawn. Applicant's Attorney is informing the Office of the mailing of the response promptly after becoming aware that the Office had no evidence of receipt of that response, and as required by 37 C.F.R. 1.8(b), this Petition is accompanied by a copy of that response. Further, the attached date-stamped postcard provides evidence of the timely mailing of that response (37 C.F.R. 1.8(b)(3)) and receipt of the response by the Office.

So far as is known, there is no fee for the filing of a petition under 37 C.F.R. 1.181. However, in the event a fee is assessed, the Commissioner is authorized to charge the Deposit Account of Wisner & Associates, Account No. 50-0965 (NIGA,002). Please note that the fee transmittal sent in response to the Notice to File Missing Parts in March 2001 (attached as Exhibit A) did authorize the Commissioner to charge the credit card of the aforementioned Mr. Webb for the \$65.00 fee for late filing of the Declaration of the inventor and for the two month extension of time, and that the fee transmittal refers to an enclosed Form PTO-2038. Since the

attached postcard indicates that the items mailed in response to the Notice of Missing Parts, including the credit card authorization, were received by the Office, it stands to reason that Mr. Webb's credit card was debited in the amount of the \$260.00 fee listed on the fee transmittal in accordance with the authorization set out in the Form PTO-2038 enclosed with that transmittal such that Applicant should not now need to pay that fee again. However, in the event the records of the Office show that the fee was not charged to the credit card listed on the Form PTO-2038 filed in 2001, it is respectfully requested that the Deposit Account of Wisner & Associates, Account No. 50-0965 (NIGA,002) be charged in the amount of any necessary fee at this time.

In the event there are questions regarding this filing, it is respectfully requested that the undersigned attorney for Applicant be contacted at the address and phone number set out below.

Respectfully submitted,



Mark R. Wisner

Registration No. 30,603

Wisner & Associates

1177 West Loop South, Suite 400

Houston, TX 77027

Telephone: (713) 785-0555

Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT

Date: August 20, 2004



COPY

PTO/SB/17 (09-00)

Approved for use through 10/31/2002, OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 260

Complete if Known

Application Number	09/672,162
Filing Date	9/27/2000
First Named Inventor	Berg
Examiner Name	
Group Art Unit	
Attorney Docket No.	Pager

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number
Deposit Account Name

- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☐ Check ☒ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) **2. EXTRA CLAIM FEES**

	Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	<input type="text"/>	-20** = <input type="text"/> X	<input type="text"/>	<input type="text"/>
Multiple Dependent Claims	<input type="text"/>	-3** = <input type="text"/> X	<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	195
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 260

SUBMITTED BY

Name (Print/Type) Glenn L. Webb

Registration No. 32668
(Attorney/Agent)**Complete (if applicable)**

Telephone 303 838 8610

Signature

Date 3/06/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington

EXHIBIT

A

In the patent application of: Berg

Filed: 09/27/2000

Serial Number: 09/672,162

For: PAGING REMOTE DISCONNECT SYSTEMS

Received on the date stamped below:

1. Declaration
2. Notice of missing parts
3. Petition to extend time
4. fee transmittal
5. credit card authorization

mailed on 3/06/01



Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (1C-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	Pager
First Named Inventor	Berge <i>BP</i>
COMPLETE IF KNOWN	
Application Number	09 / 672.162
Filing Date	9/27/2000
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PAGING REMOTE DISCONNECT SYSTEMS

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 09/27/2000

as United States Application Number or PCT International

Application Number 672.162 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:

Customer Number
or Bar Code Label

23217

OR ☐

Correspondence address below

Name

Glenn L. Webb

Address

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR :☐ A petition has been filed for this unsigned inventor

Given Name

Eric P.

Family Name
or SurnameBerge *EB*Inventor's
Signature*Eric P. Berge*

Date

7/13/01

Residence: City

Thornton

State CO

Country US

Citizenship US

Mailing Address

2801 East 120th Avenue

Mailing Address

Ap't B101

City

Thornton

State

CO

ZIP

80233

Country

US

NAME OF SECOND INVENTOR:☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle (if any))

Family Name
or SurnameInventor's
Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

Mailing Address

City

State

ZIP

Country

☐ Additional inventors are being named on the ____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)



In re Application of Berg

Application Number 09/672,162

Filed 9/27/2000

For PAGING REMOTE DISCONNECT SYSTEMS

Group Art Unit

Examiner

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

☐ One month (37 CFR 1.17(a)(1))

\$ _____

☒ Two months (37 CFR 1.17(a)(2))
\$ 260
☐ Three months (37 CFR 1.17(a)(3))

\$ _____

☐ Four months (37 CFR 1.17(a)(4))

\$ _____

☐ Five months (37 CFR 1.17(a)(5))

\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

3/6/01
Date

Glenn L. Webb
Signature

Glenn L. Webb

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

In re Application of:
Eric P. Berg

Serial No.: 09/672,162

Filed: September 27, 2000

For: **PAGING FOR REMOTE
DISCONNECT SYSTEMS**

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Atty Docket No.: NIGA,002

Examiner: Unknown

Group Art Unit: Unknown

COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Mark R. Wisner, Registration No. 30,603

_____, 2004
Date of Signature

POWER OF ATTORNEY

Dear Sir:

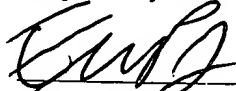
The undersigned having, on or about the 27th day of September, 2000, made application for letters patent for an improvement as described in PAGING FOR REMOTE DISCONNECT SYSTEMS, Serial No. 09/672,162, hereby revokes any prior power of attorney and appoints Mark R. Wisner, Registration No. 30,603, and Malcolm H. Skolnick, Registration No. 33,788, both members of the firm of Wisner & Associates, his attorney to prosecute said application, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all correspondence to:

Mark R. Wisner
Wisner & Associates
1177 West Loop South, Suite 400
Houston, TX 77027-9012
Telephone: (713) 785-0555
Facsimile: (713) 785-0561

MAY 25, 2004
Date

Respectfully submitted,


Eric P. Berg

NIGHT HAWK SYSTEMS

Address

Blue Pacific Plac Suite 209

City, State, Zip

Denver, Co 80231

RECEIVED

JUL 27 2004

File Information Unit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

In re Application of:	§	Atty Docket No.:	NIGA,002
Eric P. Berg	§		
Serial No.: 09/672,162	§		
	§	Examiner:	Unknown
Filed: September 27, 2000	§		
	§		
For: PAGING FOR REMOTE DISCONNECT SYSTEMS	§	Group Art Unit:	Unknown
	§		

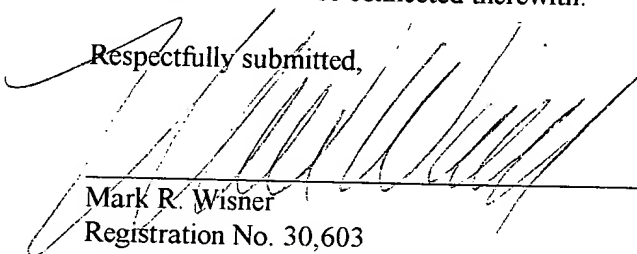
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

ASSOCIATE POWER OF ATTORNEY

Dear Sir:

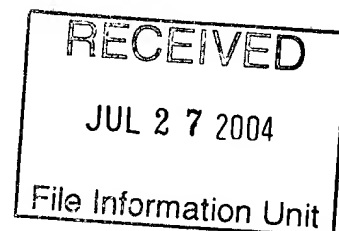
Applicant hereby appoints Karen L. Orzechowski, Registration No. 31,621, whose address is 10590 Metropolitan Avenue, Suite 10, Kensington, MD 20895, as associate attorney in the above-entitled application, to prosecute this application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith.

Respectfully submitted,


Mark R. Wisner
Registration No. 30,603
Wisner & Associates
1177 West Loop South, Suite 400
Houston, Texas 77027-9012
Telephone: (713) 785-0555
Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT

Date: June 8, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

In re Application of:	§	Atty Docket No.:	NIGA,002
Eric P. Berg	§		
	§		
Serial No.: 09/672,162	§	Examiner:	Unknown
	§		
Filed: September 27, 2000	§		
	§		
For: PAGING FOR REMOTE DISCONNECT SYSTEMS	§	Group Art Unit:	Unknown
	§		
	§		

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

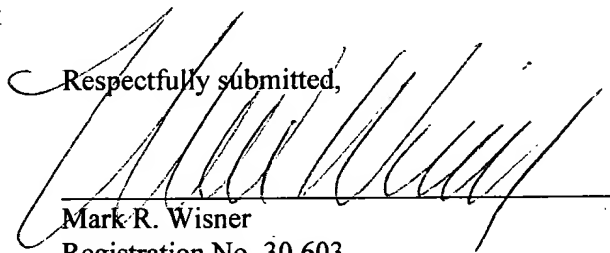
NOTICE OF CHANGE OF CORRESPONDENCE ADDRESS

Dear Sir:

Please note a change of correspondence address in the captioned application. The new correspondence address is:

Mark R. Wisner
Wisner & Associates
1177 West Loop South, Suite 400
Houston, Texas 77027-9012
Telephone: (713) 785-0555
Facsimile: (713) 785-0561

Respectfully submitted,



Mark R. Wisner
Registration No. 30,603
Wisner & Associates
1177 West Loop South, Suite 400
Houston, Texas 77027-9012
Telephone: (713) 785-0555
Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT

Date: June 8, 2004

